

~~ADDINGTON, TX~~
ADD,
D 10

**Statement of Bill Addington, Save Sierra Blanca
Energy and Power Subcommittee of
US House of Representatives Commerce Committee
Hearing on Texas Compact RR 629
Washington, DC
May 13, 1997**

Good **afternoon**. My name is Bill Addington. I am a third generation Hudspeth County **farmer**, rancher and merchant. My grandfather, Jose **Guerra**, was a pioneer in Sierra Blanca who came to Texas with nothing in 1910 and established a general store, farm and ranch. I have **lived** in Sierra Blanca, Texas **all** of my life. I am proud of and will protect my heritage and birthright. I do not take lightly what my grandfather built and **sacrificed** for us. Like many pioneer Texans, his sweat and blood are in the land.

I first want to thank you for the opportunity to address you today. West Texas people strongly oppose this compact. It is critical that you **all** hear our feelings and observations. I speak today on behalf of Save Sierra Blanca, our citizens group, and many people in West Texas who feel run over by the state and federal governments. These people are opposed to the forced placement of this risky radioactive waste cemetery at Sierra Blanca near the Rio **Grande** River.

I am aware of the highly paid lobbyists from the nuclear power industry (which would get to dump its liabilities on West Texas) who have contacted all of you since the compact was defeated in 1995. I urge you to look at the perspective of West Texans, who have not been heard **from**. I have come to Washington twice since 1994 and it is hard to even get an appointment to visit with members, but citizens deserve to be heard, not only the professional paid lobbyists.

I am here to clear up as many misconceptions about the Texas site and situation as five minutes allows. Please ask me questions as I am eager to get our side into the debate. I pray that you **all** do not vote today and if and when you do vote, you vote against the compact **bill**, HR 629. **Please** study this measure that **affects** many West Texas people's lives **including** people not yet born.

For the record, I do not, nor have I ever received federal **funds**. The Disposal Authority in Texas, however, has received substantial federal support and has used federal funds to support dumping in West Texas. The **Low-Level** Authority has used federal funds to hire psychologists to "study" the people of Sierra **Blanca**, inviting them on an ah-expense-paid junket to experience "team-building" and "con&t-resolution." The National Low-Level Radioactive Waste Forum has generated lobbying letters in favor of the compact, against our interests, using our tax dollars.

The economy and our livelihood are ranching and farming. Please consider that the beef and the vegetables you eat and the fiber you wear come from places like Sierra **Blanca**, not just the supermarket or store.

Most of the people in Hudspeth County and Sierra Blanca are poor--the median **annual** income is \$8,000. Seventy percent of the people are of Hispanic origin, like myself. This is the reason Texas “leaders” have focused on our county for the dump **since** 1983. This appeared to be the political path of least resistance. But there is strong resistance locally, regionally and internationally. There are about 3000 people and 1300 registered voters in the county and everyone of them who was asked signed the petition against the dump. We have defeated two previous proposed sites in Hudspeth County. Counties and communities along the border have passed resolutions opposing the dump as have states and cities in Mexico. I must **tell** you that West Texans will not allow utilities **from** Houston, **Dallas**, Maine and Vermont to make us a receptacle for their unwanted poisons.

The siting of the Sierra Blanca dump by the state legislature was a violation of environmental justice and our civil rights. Texas politicians and the Low-Level Authority just won’t leave Hudspeth County alone. The last site, at Fort Hancock, was defeated in District Court by **El Paso** and Hudspeth Counties in 1991. Then, a Houston representative, Dan **Shelly**, introduced HB 2665 forcing the dump on Fort Hancock effectively making moot Judge Moody’s decision. At then-Governor Richard’s request, the **bill** was amended to move the dump to Sierra Blanca, 30 miles away and a 370 square mile “Box” was drawn on the map around Sierra Blanca for the location of the dump. It is crystal clear to anyone that is watching in West Texas that politicians drew a “Box” **around** our home and then told the Low-Level Authority to **find** a site in the Box and license it. Politics, not science, chose the selected area for disposal and took away many of our democratic rights to challenge it. The bill gave the state eminent domain and power to enter

property. Residents were disgusted and angry that our state would stick it to us without asking the people how they felt. Both **polls** that were eventually conducted indicate majority opposition to the dump.

So, due process went down the drain and the bill became known as the “Screw Sierra Blanca bill.”

It gave sweeping power to the Low-Level Authority to take our land and enter it without our consent. It **also** required any legal challenge to be filed over 500 miles away in Austin (Travis County). In 1992 the Low-Level **Authority** purchased the 16,000 acre Faskin Ranch, for \$950,000 and has **filed** a license application with the Texas Natural Resource Conservation Commission (TNRCC); There is no question that Sierra Blanca would be the compact dump site.

Then, on top of all that, that same agency (TNRCC) approved a registration for the **largest sewage sludge dump on Earth.** in a record 21 days, allowing MERCO to dump toxic New York City sewage sludge without a permit, public hearing, or notice to the county. This dewatered sludge is not spread or land-filled in New York State because it contains levels of metals that are unacceptable under New York State law. The registration Texas (TNRCC) issued is illegal because the regulations require that any out-of-state sludge has to meet the more stringent criteria of the generator or recipient state. I am telling you this to illustrate how decisions are made in Texas, **politically** not **scientifically** or legally.

If the radioactive waste dump is approved in Sierra Blanca, it is likely that additional radioactive and hazardous facilities **will** follow. Westinghouse Scientific Ecology Group has entered into an

option agreement to lease 1280 acres of land adjoining the proposed Sierra **Blanca** site for radioactive waste processing and storage, possibly including incineration. There is also a proposal for an additional sludge dump in the community. This concentrating of hazardous facilities in communities is a characteristic of environmental injustice.

The proposed radioactive dump site is geologically fatally flawed. It is in an earthquake zone and there is a buried fault underneath the proposed trenches. There is also active 'faulting near the site; cracks four miles long and hundreds of feet deep opened up just south of the site in 1931 and 1985. The area is the most tectonically active in the state.

The real reason for the compact is economic--to make it cheaper for nuclear power generators to bury their waste and shift their liability. It does not "protect Texas," as has been touted.

Texas began negotiations with Steve Ward from Maine in 1988 and in 1992 passed the compact. Maine and Vermont's legislatures have approved the compact. They failed to develop their own waste sites because of heavy opposition. Maine voters approved the compact by referendum yet people in my home **are not** even heard or considered. We do not get to vote on the measure or placement of the dump like **Mainers**, who chose to dump on us, did.

The Texas Low-Level Radioactive Waste Disposal Authority has projected the disposal fees will be about of \$250.00 per cubic foot, using Maine, Vermont and Texas volumes in their formula. Without the compact, and out-of-state waste, the Authority would be forced to raise disposal fees

to **\$600.00** a cubic foot or more. This is the motivation for the compact. It is to save the Houston and Dallas based nuclear power companies money. It is also to get the \$50 million that Maine and Vermont will pay **if the** compact is approved by Congress, to subsidize the costs of opening the dump. There **is no** other reason the utilities would have for supporting a compact and funding lobbyists to push for it. There is no disposal crisis. Why should Houston and Dallas nuclear power utilities care **if there** is a compact? Why have they hired lobbyists to push the legislation? It is clear they do not want to pay \$350 a cubic foot to send waste to Barnwell, where fees are rising as disposal volumes are dropping. This amounts to corporate welfare at the expense of the people in West Texas. Your Congressional rubber stamp approval of the compact is a de-facto appropriation of dump construction **funds** for the Sierra Blanca site despite the claims that the compact is not site **specific**.

I **find** it a **conflict** of interest that Mr. Steven Ward, who is testifying for this legislation, could become one of the Compact Commissioners and get to set his own salary for as much as he and his fellow Compact Commissioners decide.

The ones who benefit from a this legislation are the nuclear power utilities and the states of Maine and Vermont all of whom are relieved of liability for their wastes. In the end Texas taxpayers and the federal government **will** have to pay for any attempted clean up and property damage.

Burial grounds **leak**. All other “low-level” radioactive waste dumps experienced leakage problems or high levels off-site. The Sierra Blanca site will be no different. Even the desert dump at Beatty,

Nevada has been found to be leaking. Radioactive carbon-14 and tritium have been detected 357 feet below the dump right above the water table.

The **compact** threatens Texans **much more** than it protects them. A loophole you could drive a **18-wheeler** through exists in the compact under section 3.05 paragraph 6 **This** section would allow eight Compact Commissioners to vote by themselves to contract with any person, state regional body or group of states to **import** radioactive waste into Texas for disposal. The Texas legislature would have no control over the Commission.

The Attorney General of Texas sent a letter to Governor Richards September 11, 1992 saying

I cannot . . . recommend any procedure which would allow Texas to become a “dumping ground” for the radioactive waste of any other state. There is a reasonable basis for a legal prediction that, in the absence of a compact, Texas can **successfully** provide for disposal of low-level radioactive waste generated in Texas, without sacrificing it’s ability to exclude out-of -state waste.

General Morales also stated in the letter

As a matter of sound public policy, each state, if not each locality, should take care of its residents’ wastes within its own borders. Only in this manner will we all become educated about the wisdom of minimizing waste generation in the first place, and recycling and detoxifying wastes as much as possible.

The federal Low-Level Radioactive Waste Policy Act was passed in 1980. The act does not mandate states to compact, nor does it mandate the states to build a disposal facility. It only says that the states must be responsible for the waste generated within their borders. In 1992 the Supreme Court ruled that states are not mandated to enter into the radioactive waste marketplace or take title, liability or possession of commercially generated wastes.

I urge you all to look at West Texas as **if it** lies in your own Congressional District. Consider the 2500 mile transportation routes and the risk of transportation accidents along the railroad and highway. I would also urge you to ask Representative **Bonilla** about all the calls and letters he has received and all the city and county resolutions opposing this dumping. The dump and compact has been denounced by every county in the region and most have passed resolutions. Resolutions have been passed also by counties along the border **all** the way to Laredo.

Many are mad about the state and federal government trampling all over our private property rights. Many sales of ranches have fallen through because of the loss of property value of the land and because of **fear** and stigma of a radioactive dumpsite. Ranchers and farmers have put their sweat and blood into the **land** for generations. The forced siting of this insane dump has made many ranches and property almost worthless as no one will buy the land. Realtors in the region have testified to this fact in the hearings before TNRCC.

The bottom **line** is that **nuclear** power waste from East Texas and out of state is being forced on unwilling "hosts." What is happening is not democratic. More and more aging reactors are being

shut down and decommissioned, and we **will** not tolerate becoming a graveyard for this radioactive machinery and entire reactors. The state is treating West Texas like bad stepchildren, **like** we are not even part of Texas. West Texans have **little** voice in Austin, over 500 **miles** away. West Texans did not create this waste and this problem of what to do with it.

The **small fraction** of waste that comes from medicine is so short-lasting and minute in amount and concentration, that it does not justify a dump such as that proposed for our town. Nuclear utilities, which create the vast majority of the waste by radioactivity (99%) and volume (7040%) are hiding behind the less controversial medical waste to gain political support for reactor waste subsidies.

Please do not rubber stamp this “train” that is **trying** to politically **roll** over us. This dump is also opposed by the legislatures of States of Chihuahua and Coahuila, Mexico that border the Rio Grande south of Sierra **Blanca**.

I am sad to see this happen to my home and **beautiful** state, Texas. **As** I said I am a native Texan. I love my native state. It grieves me deeply that because of the love of money, my home and state could become the radioactive and toxic pay-toilet for the unwanted wastes of the whole United States. Money and politics are a very dangerous combination. This combination is the reason this is all happening and it is the driving force behind the compact. Please do not vote to put money before the lives and property of Texans, including those unborn. Who speaks for the children, anyway? They are Texans too.

Our property rights and **values** are also are also being flushed down this “toilet”. What would our forefathers think? **Many** Texans died for Texas independence and freedom. Now we see our **freedom** being chipped away, bit by bit. **It** is no wonder many distrust and resent state and federal government that intrudes into our lives. Counties in Texas or wherever must be able to form their own destiny. I must say I am so ashamed of some of our so **called** “leaders”. Please help to restore faith in our government by voting down this pathetic compact, as it helps to destroy the very soul of our home in West Texas.

In 1995 the House voted down the compact, 243-176. To those that voted “no” before, thank you and **please vote** “no” again. To those who voted to approve the compact before, please reconsider. Your vote **will** go down in Texas history. The eyes of the Texas people are upon you.
Thank You.